



## Notre Dame Law Review

Volume 21 | Issue 1

Article 1

9-1-1945

# Racialism and the Rights of Nations

Brendan F. Brown

Follow this and additional works at: <http://scholarship.law.nd.edu/ndlr>



Part of the [Law Commons](#)

### Recommended Citation

Brendan F. Brown, *Racialism and the Rights of Nations*, 21 Notre Dame L. Rev. 1 (1945).

Available at: <http://scholarship.law.nd.edu/ndlr/vol21/iss1/1>

This Article is brought to you for free and open access by NDLScholarship. It has been accepted for inclusion in Notre Dame Law Review by an authorized administrator of NDLScholarship. For more information, please contact [lawdr@nd.edu](mailto:lawdr@nd.edu).

# NOTRE DAME LAWYER

*A Quarterly Law Review*

---

VOL. XXI

SEPTEMBER, 1945

NO. 1

---

## "RACIALISM AND THE RIGHTS OF NATIONS"

THE juridical institutions of peace which were constructed at the San Francisco Conference depend for their success upon conformity to certain ethical criteria of national attitude and conduct. One of the most dangerous pitfalls awaiting the nations in the post-war world is the resurgence of racialism, which has been destroyed in Germany and will soon be ended in Japan, but which has proved itself a perennial phenomenon in the ways of men. Fortunately in this connection the Russian Empire, a Marxist State based on the premise of class and dedicated to the economic ideal of enlarged production, has not exhibited an inclination to pivot foreign policy upon a dogma of Pan-Slavism. The British Empire and the United States, predicated upon democracy and controlled capitalism in the domestic and international spheres, do not evidence any likelihood of future exploitation in the name of the supremacy of the Anglo-Saxon race. At the present time, therefore, the three great powers in whose hands is the keeping of the world's peace seem in no danger of succumbing to the temptation of unqualified racialism. There is no guarantee, however, of the indefinite continuance of such a situation. Moreover, the threat of injustices resulting from qualified racialism is very great, with consequent peril to the world's peace.

Racialism in the sense of elaborated doctrine, assuming vast metaphysical and even quasi-religious proportions in the writings of men who purport to rationalize certain ethical conclusions from race, is best exemplified by the racial credo in Germany under the Hitlerian regime. Distortion of ethical perspective is carried to the extent of substituting race for Divinity, and is coupled with emotional exhortation to fanatical action. The technique of express historical affirmation and recourse to the instrument of reason, however deformed, betrays the survival of the implements of Western Culture. It also discloses the necessity of intellectual conversion on the part of the masses of the nation.

Oriental racialism generated and reared in a habitat wherein there never existed the necessity for giving reasons on the part of those in omnipotent authority needs neither metaphysics nor defensive doctrinal barricades. Japanese racialism is so characterized. The history of Japanese conquest, territorial expansion, and ruthless treatment of so-called inferior people is evidence, however, of the tremendous imminent capacities of implied racist theory to incite the rank and file of the Japanese people, to islamic activity.

Non-doctrinal racialism, or fragmentary racism, superimposed upon a limited metaphysics of economic and political or semi-political utility, generally speaking, does not exalt race diversity to the niche of the greatest cosmic good. A diagnosis of such racialism may be observed in the course of the development of such empires as the British, French and Dutch, and in the formation of the American Union. Relative ethical values only are attached to race, impliedly, by a pragmatic behavior according to this type of racialism. It is true, of course, that such behavior can be and has been the source of great injustice, but it is always more just than the conduct inspired by the ideals of unqualified, totalitarian racialism.

The expressions race, nationality, state, and racialism are obviously vague because of the variability of content which

has characterized the usage of these terms. In this paper, race will mean a group of human beings, larger than the family, unified only by kinship of blood, and by those effects which have resulted exclusively from this biological fact. Nationality will mean the result of the unification of men of the same or of different races, by such rational, historical, and ethnological causes as similarity of language, law, or identity of political, economic and social objective, or religious faith, or general way of life, so as to form a moral personality. State will express the product arising from nationality, when it has evolved to a condition wherein the inherent political and juridical forces of the community of human individuals assume a position of dominance and control. Unqualified or totalitarian racialism will describe the doctrine which proclaims that only race can be the true and sufficient principle upon which social organization ought to be attempted, so that all heterogeneous racial minorities in a particular society must be expelled or destroyed, and which attaches superior moral rights to specific races, in their relation with other races. Qualified racialism will denote behavior which implies race superiority in the sense of resulting economic and political exploitation, social restriction, and imposed paternalism.

The parts which were played by race, nationality, state and racialism in the thrilling panorama of anthropological activity may be studied from the viewpoints of the pre-Christian, and Christian periods, and the more recent period in which an unsuccessful attempt has been made to overthrow the racial teachings of Christianity. The first stage may be broken down into the primitive and the civilized. The second may be sub-divided into the pre-Reformational and post-Reformational. The third period never reached fruition, despite powerful efforts which sought to initiate it, but it behooves Christian civilization to see to it that the threat is never made again.

In the first or savage phase of the pre-Christian era, man was groping forward to regain, as best he could, some measure of the perfection which he had lost through his fall in Paradise. His earliest social structures were based on the family, later on the tribe, or a number of families. The principal cause of tribal cohesion was a close blood bond. Man, the rational animal, was then chiefly concerned with the survival of his animal constituent. In the interests of such survival, each race vindicated itself and its ways. It had to believe in itself and it did. Race became identified with the ultimate common good, and became an active cause of group behavior which at times ran counter to reason. But there were extenuating circumstances in this primitive interlude to excuse these assertions of racialism, for man had not yet been redeemed, nor had he progressed far in his determination to ascend the steep path of rational and intellectual achievement. There was hardly nationality in this first phase of the pre-Christian period, and no state.

In the second part of the pre-Christian period, the concept of nationality arose. Men in society perceived that there were national, as well as biological ties, which held them together. The race basis of society was superseded by the substructure of nationality. In this transition, the unity of nationality was the consequence of rising above the physical factor of race, because in many cases, two or more races became so associated as to form a nation. In the genesis of nation from family, tribe and race, an examination of the population makeup of nations, upon which the metaphysical units of nationality were superimposed, discloses that each succeeding product retained fractionally elements of each preceding product.

The creations of mind which accompanied man's biological expansion included ethnic institutions which gradually replaced those previously based on race. Among the Romans, after the rise of their City-State, there grew up a new system of justice whereby *Jus Gentium*, a system of positive

law, representing elements common to the legal orders of non-Roman peoples, and expressing the justice of the idealized *Jus Naturale*, was administered in its own tribunals. It sought to render justice to members of foreign races living in Rome. Roman society, for example, would not allow such races to participate in the protection of the *Jus Civile*, the legal system for the benefit of free Romans. When in the second century before Christ, however, the new court of the *Praetor Peregrinus* was formed to apply the *Jus Gentium*, there was a classic implicit rejection of racialism, because free foreigners were by positive law accorded moral rights which Roman tribunals protected. The major trend, therefore, in the civilized phase of the pre-Christian era was away from racialism. This is not to say, however, that race pride and consciousness ceased to exist, at that time.

Secondly, from its very inception, Christianity preached the brotherhood of man, under the Fatherhood of God. Its divine Founder exhorted His Apostles to go forth and preach the gospel to "*omnes gentes*," all the peoples, races, and nations of the earth, without any discrimination whatsoever. From the fourth century A.D., when the Church became recognized by the civil authority as a lawful social influence in the Roman Empire to the thirteenth, when the Church reached its maximum prestige, Catholic moralists, like St. Augustine and Isidore of Seville, insisted upon a code of morality and action among nations which absolutely precluded racialism. They visualized an international order, subject to an objectively existing natural law and responsive to honor and fidelity among the Nations.

Canon law, or the legal system for the government of the Church, embodied the principle of universality as applied judicially, irrespective of race or nation, as a prototype of international law. Another body of justice, analogous to international law, also grew in the great General Councils of the East and West which passed judgment on the acts of the rulers in relation to other sovereigns, irrespective of race

or nationality. These great representative Assemblies stressed the unity of Christendom, gave proper place to the claims of diverse racial elements, and demonstrated the possibility of a world society governed by one law.

After the destruction of the Roman Empire, the Papacy was the only power in Europe offsetting the chaotic conditions of feudalism, which offered countless opportunities to return to the jungle of racialism. It did this by a direct religious appeal to the individual, and by uniting in one spiritual brotherhood the conflicting and warring racial elements which gained the ascendancy when Rome fell. During this chapter of history, the Papacy restricted warfare by legal methods, abolished pagan and irrational modes of trial, such as battle and ordeal, created specific devices for the efficient and adequate functioning of international law, and condemned racialism.

In the period from the thirteenth to the sixteenth century, the Church enjoyed great prestige and accordingly made outstanding contributions to the cause of international peace through the reign of law and the denial of racialism. The doctrine that the actions of nations are ethical phenomena evolved from the tenets of Christianity and the writings of scholastic jurists. The essentially Catholic contributions of such writers as Vitoria and Suarez paved the way for Grotius, whose monumental work, on the law of war and peace, would not have been possible without the studies and researches of scholastic canonists and fathers of the Church. This was the period of Gratian and St. Thomas Aquinas. Gratian, in his *Decretum*,<sup>1</sup> restated from Isidore of Seville the divisions of law into divine and natural, positive, public and private, and military, and described the contents thereof. Aquinas in his *Summa*<sup>2</sup> elaborated with precision the conditions of a just

---

<sup>1</sup> Gratian, *Decretum*, pages 1 and 2 (Editio Lipsiensis Secunda post Aemilii Ludovici Richter, Aemilius Friedberg) 1879; thus C. IX and C. X, D.L. *Quid sit jus gentium*, (Isidor, Eod. C. 6) and *Quid sit jus militare* (Isidor, Eod. C. 7)

<sup>2</sup> Aquinas, *Summa Theologica*, (1918 — Dominican Transl.), II, qu. 40, art. 1 - 4.

war using the authority of Augustine,<sup>3</sup> and thereby contributed greatly to the international law of war. The norm of moral good and bad in all these writings was the natural law, the Divine will, which accorded equality of religious and ethical value to every nation. The nations of the world were regarded as moral and juridical persons, as subject to the natural law as individual human persons. Just as God has willed what is good and evil in the area of behavior for each human being, so likewise has He willed an ethical, external norm to which men in groups or civilly organized societies ought to conform. It was the teaching of the Church that races and nations are bound by the "ought" of the moral law because they are composed of individual human beings whose intrinsic ethical value continued despite the creation of public and social interests through the unifying influences which generated race and nationality.

With the appearance of the Reformation, in the sixteenth century, an infallible nationalism began to make headway in many areas of Europe. Certain nations claimed and put into effect their own standards of morality, as between Church and State, between ruler and ruled, and between nation and nation. Since the doctrine of an unchanging body of ethical norms to which all men, whether considered individually or collectively in distinct racial or national groups was rejected by many, it became expedient to improvise, from time to time, international agreements, which left little more of the natural law than the rule, "*pacta servanda sunt*," in many instances more honored in the breach than in the observance.

The modern state was formed as soon as the political forces in the various national communities, such as *Anglia*, *Gallia* and *Germania*, which had been considered "unities for the Papal Chancery long before their political unity had been formed," asserted their sovereignty to a degree which broke down the moral unity of Christendom.<sup>4</sup> Nationalism,

<sup>3</sup> Augustine, Ep. ad Marcel. 138; Contra Faust. 22; Ep. ad Bonif. 189.

<sup>4</sup> Kisch, Nationalism and Race in Medieval Law, 1 Seminar 48, at page 53. See Hayes, Essays on Nationalism, 1928.



which hitherto had been principally ethnological, now became chiefly political. The moral power of the Church which had previously resisted with success the unreasonable claims of a growing consciousness of nationality, becoming intense in the fourteenth century, became impaired. As soon as the tool of supreme political, juridical, and religious power came into the hands of these nationalistic forces, the construction of the infallibly omnipotent national state became inevitable, as well as the doom of the solidarity of the family of nations.

Despite the genesis of such a state, racialism did not soon become the test of the goodness or badness of national action in international relations. But as soon as each national state began to set up its own ideals in international behavior and enjoyed a selection of objectives, even though conscience and reason, subjectively considered, were to be the final determinants, the door was opened to the possible ultimate identification of race with the greatest good of the politically organized community. Once the authority of an objectively existing natural law was removed, the dominant will of the majority had difficulty in perceiving any justification outside of itself from which could come an absolute conviction that its judgments and decisions were wiser than those of a minority or minorities. Nations like Japan and Germany were mainly homogeneous racially, but did not enjoy a long imperial tradition as a result of a lengthy survival of a strong political sovereign, resulting in the belief that whatever the sovereign did, in the domain of international affairs, was ethically unchallengeable. In such nations there was a tendency, therefore, to have recourse to the absolute authority of race. The next sequence was to seek to massacre or expel all racial minorities, if any, within the State, and to subjugate or exterminate all competing nations, if they were made up of so-called inferior races. The error of this type of thinking and acting was one of ethical starting point.

The third stage of international dealing began when Germany and Japan began to substitute the norms of racialism

for the ideals of a natural law, based on reason. This doctrine was elaborated in Germany by such writers as Rosenberg,<sup>5</sup> Frank<sup>6</sup> and Gunther<sup>7</sup> in the thirties. These authors had been preceded by such pioneering non-German authors as Gobineau,<sup>8</sup> and Chamberlain,<sup>9</sup> in the nineteenth Century, which sought to show the moral and intellectual inequalities among the different races of men by the application of the methods of materialistic, positivistic science. In line with this current of thinking was the work of Lombroso in the field of criminal anthropology.<sup>10</sup> In Japan, racialism needed no formal exposition as it was already widely accepted, and the oriental mind was not in need of the same degree of rationalization as the western.<sup>11</sup> Race which had already begun to compete with nationality became victorious. The significance of this change was profound, because it introduced into the forum of international relations a point of view which had existed previously only among groups of

<sup>5</sup> Rosenberg, *Der Mythos des XX Jahrhunderts*, 4th ed., Munich, 1932, p. 21, ff.

<sup>6</sup> Frank, *Nationalsozialistischen Handbuch für Recht und Gesetzgebung*, (Munich, 1935).

<sup>7</sup> Gunther, *Rassenkunde des Deutschen Volkes*, Munich, 1930.

<sup>8</sup> Gobineau, *Essai sur l'inégalité des races humaines*, Paris, 1853, 1856.

<sup>9</sup> Chamberlain, *Die Grundlagen des XIX Jahrhunderts*, Leipzig, 1907.

<sup>10</sup> Lombroso, *Criminal Man*, (briefly summarized by his daughter, Gina Lombroso Ferrero), 1911; See Gumplowicz, *Der Rassenkampf*, 1883; Mazzarella, *La Concezione etnologica della legislazione*, 6 *Rivista Internazionale di filosofia del diritto*, 520-634; Pittard, *Race and History* (translated by Collum) 1926; Riemann, *Rasse und Recht*, 35 *Zeitschrift für Geschichtliche Staatswissenschaft* 273.

<sup>11</sup> See Young, *The Rise of a Pagan State: Japan's Religious Background*, 1939; Holtom, *Modern Japan and Shinto Nationalism, a Study of Present Day Trends in Japanese Religions*, 1943. At page 157 Holtom quotes Hideo Horie who wrote in the *Shukyo Nenkan* ("Year Book of Religion," 1939) on the subject, "The Shinto Shrine Problem Overseas" to the effect that true members of the Japanese race regard themselves as the offspring of the gods. In spite of the infusion of the blood of other peoples in times past, the genuine Yamato stock predominates; for the most part, the breed is pure. Holtom at page 158, still quoting Horie writes that the Shrine of Shinto strengthens the corporate fusion of the race and at page 168, that Shinto can expand only as an agency of political and military control. This requires a systematic subordination of non-Japanese peoples which nullifies all pretense to universalism. At page 616, Holtom refers to the teaching of the Shinto theologian Hirata Atsutane who maintained that the members of the Japanese race were brought into existence through the creative spirits of the sacred ancestral Kami. See Price, *Japan Rides the Tiger*, 1942; Grew, *Ten Years in Japan*, 1944.

men of savage condition. It was a reversion to the lowest level of man's rational existence. It was savage tribalism at its worst. It no longer considered man as a reasoning creature but only as an animal living in a wolf pack, owing a duty only to the pack, a duty to do all things which might be desired by its appetite. All things and beings which frustrated that appetite must be destroyed.

From the first appearance of the doctrines of racialism, the Roman Pontiffs have denounced it, and counselled interracial justice and charity between the nations. These pronouncements enunciated anew the centuries old Christian view that all persons, races, peoples, and nations were entitled to the enjoyment of an equality of moral rights. Thus Benedict XV, in his Encyclical *Pacem Dei*,<sup>12</sup> May 23, 1920, stated that: "The Gospel does not contain one law of charity for individuals and another law, different from the first, for States and Nations." On March 14, 1937, Pope Pius XI, declared in the Encyclical<sup>13</sup> which he addressed to the German Bishops: "He who takes the race, or the people, or the State, or the form of government \*\*\* and makes it the ultimate norm of all, even of religious values, and deifies it with idolatrous worship, perverts and falsifies the order of things created and commanded by God \*\*\*." These encyclicals were coupled by pronouncements like the letter of the Sacred Congregation of Seminaries and Universities, under date of April 13, 1938, addressed to the Rectors of all Catholic Universities and their Faculties throughout the world, condemning theories which would make the blood of a race the ultimate source of all of man's moral and intellectual qualities.

---

<sup>12</sup> Encyclical, *Pacem Dei*, n. 675, in *Principles for Peace, Selections from Papal Documents, Leo XIII to Pius XII, 1943*, 284 at page 289. See: *The Pattern for Peace, Catholic, Protestant and Jewish Declaration, 1943*, pamphlet No. 34 of The Catholic Association for International Peace, 1944.

<sup>13</sup> Encyclical, *Mit Brennender Sorge* n. 1172, op. cit. supra note 12 at page 498.

Papal teaching, past and present, as an authoritative guide, condemns racialism. Reason, experience, and the philosophy of the Church furnish additional proof to justify such condemnation. Race is manifestly a transitory fact, a temporary stage in the growth of part of humanity. To-day no nation is so racially homogeneous that its population cannot be broken down into a number of sub-racial species; and these in turn, into still more primitive racial strains. Races change, die, merge with other races, become modified by racial intermarriage, but that which is of its very nature changeable, can never be the basis of an unchangeable metaphysical body of principles of moral right and wrong.

There has long persisted the belief among peoples, even before the Christian era, that the entire human race, an organic unity, sprang from common ancestors who were created by God. It was not until the nineteenth century that a school of science formally attacked the doctrine of the essential unity of the human race and began to assert eugenic principles for the breeding of superior races of supermen. On the natural level, unity or humanity results from the faculty of reason, and the faculty of will, capable of making free moral choices, both faculties being common to all men. But in the nature of things, unity has no significance, unless it is coupled with plurality. The wisdom of scholastic philosophy understands and approves the phenomenon of plurality which accompanies unity. The intrinsically necessary process of differentiation produced in this connection, races, nations and states.

Because of the fundamental unity of humanity, each nation, and hence the race or races from which it has been formed, has the potential capacity to attain to the highest grade of perfection. The civilization of each race has been built, at least in part, upon that of other races. The experience of history verifies the conclusion that no race has had a monopoly, even for a short interval of time, upon the great contributions which have been made to the world's

civilization. These are the result of the spiritual powers of individual men and do not substantially depend upon the biological factor. The scientist Lowie has written: <sup>14</sup> "We are thus led to conclusions paralleling those arrived at in the survey of intellectual achievement. In neither case can observed differences be interpreted in racial terms; nor is there any cultural stage that reveals a qualitative difference either in intellectual operations or the fundamental nature of the moral sentiments." Physical science has learned how to breed fast race horses, for example, but it has not yet succeeded in breeding a just-man, race or nation. The pygmies of Africa, for example, have never built skyscrapers, they did not discover penicillin or radium, neither did they reach a level of intellectual or physical life of certain communities of the white man, but before God they are entitled to the rights flowing from human personality, under the natural law.

As long as nations and their underlying races recognize the spiritual value of all other races and nations, and act accordingly, so that their social claims do not exceed the restraining circle of natural law, they are free to glorify patriotism and love of race and nation. The story of man's civilization abounds with nobility of action inspired by race. Unquestionably race, however amorphous the concept, will continue to be an important element in human society. Since it cannot be eliminated, it must be given proper perspective

---

<sup>14</sup> See: *Scientific Aspects of the Race Problem* (1941), Essay V, entitled *Intellectual and Cultural Achievements of Human Races*, at page 244. At page 235, he writes: "Racialism does not explain observed differences in ethical outlook, while specific differences can be demonstrably traced to non racial factors." Ashley-Montagu, *Man's Most Dangerous Myth, The Fallacy of Race*, 1942. According to Hankins in *The Racial Basis of Civilization*, 1931, northern France is perhaps more Teutonic than southern Germany, while eastern Germany is in many places more Slavic than Russia. So-called Nordic types are relatively infrequent in Germany outside of Hanover, and certainly more numerous in north and north central France than in Bavaria. Hooton, in *Twilight of Man*, 1939, at page 126 and following, shows how the populations of the nations on the European continent, and of the British Isles are made up of mixtures of various sub-racial strains, such as the Nordic, Alpine, Atlanto-Mediterranean, Celtic, which in turn were formed from pre-existing racial stocks.

and turned to the advantage, not the destruction, of the human family. There must be no distortion of the values of good attaching to race consciousness by severing the concept of plurality from that of unity and exalting the former to the exclusion of the latter. A functional dualism of unity and plurality, in the sphere of race, with resultant equilibrium, is necessary both nationally and internationally. Race has, will, and should continue to be one of the most powerful influences in dictating distinctive social customs, structure of society, culture, language, institutions, and manners of all kinds, but it ought never to be the determinant of moral rights and duties. Pope Pius XII has said:<sup>15</sup> "Within the limits of a new order founded on moral principles, there is no place for open or secret oppression of the cultural and linguistic characteristics of national minorities \*\*\*." And again:<sup>16</sup> "The will of one nation to live must never mean the sentence of death passed upon another."

The doctrine of scientific racialism was not formally elaborated until rather recently, (i.e.) after positive sociology had been exalted to the dignity of an exact science. Although there was no official adoption of this doctrine by any nation belonging to the family of civilized nations until the thirties, it must be admitted, however, that much of the policy and action which characterized the exploitation of the European Colonial era, for example, did not conform to the essential ideals of Christianity. The imperialism of not a few Occidental nations, which began with the discovery of the Americas, was given momentum by the forces of economic greed and inordinate political utility. Despite the efforts of the Church, there were unreasonable solutions of race problems by nations. There was a lag between ideal and action. Christian white nations often colonized with the Bible in one hand and a sword in the other, with forthright acceptance of

---

<sup>15</sup> Radio Message, Nell 'Alba, December 24, 1941, n. 1759, op. cit. supra note 12 at page 757.

<sup>16</sup> Allocution In Questo Giorno di Santa, December, 1939.

the economic benefits involved, and with disregard of the rights of physically smaller and weaker races and nations. Nevertheless the ideals of good faith, inter-national justice, and brotherly love, as such, were never challenged in this period, however much they were ignored in action. Deviation from those ideals was regarded as reprehensible and wrong.

The doctrine of racialism struck at basic principles of Christianity. It was a direct attack. But it is now discredited. The States which advocated it have already been defeated or are on the verge of defeat. The great threat to future fair dealings among the nations lies in the field of danger of collateral attack upon those principles through the manipulation of facts. There is the possibility that there will be grave abuses of the principle which justifies the right and the duty of one nation to exercise a measure of authority over another because of the latter's inability to fulfill adequately its duties toward civilization. There is no clash between this practice and the principles of Christianity, provided the facts are honestly and fully investigated, and justify it; and provided the control exercised does not contravene the natural law, (i.e.) is just, charitable, and operates bilaterally for the best spiritual and material interests of the two nations, particularly the protected nation. As Luigi Sturzo has written:<sup>17</sup> “\*\*\* We must not identify—as is often done—natural rights, belonging to human personality, with rights that are born historically with the formation of a nation. A nationality can undoubtedly claim a right to religious freedom, as the Oriental and Balkan peoples did under the Turks, or the Greek-Ruthenians of Poland under the Czars, and yet fail to claim at the same time the right to its own political personality. On the other hand, it could give strength to its political revindication by uniting the latter with that of despised or suppressed religious rights.

---

<sup>17</sup> See: *Race, Nation, Person, Social Aspects of the Race Problem*, 1944, Essay VI entitled Nationalism at page 175.

Thus in the Irish case the fight for religious freedom, which was climaxed by the Catholic Emancipation Act of 1827, came under the natural law and did not depend on any national development, whereas the fight for political autonomy which ended in the creation of the Irish Free State in 1921, was carried out on the basis of national and historical rights.

The difference is very great: we call the former absolute and natural rights, the latter relative and historical rights, in order to accentuate the fact that the latter came to fruition only as the historical process unfolds itself and are subordinated to the exigencies, the rights and the possibilities of common life among the several peoples."

One of the great tasks which confronts the nations of the future is the creation of fact finding commissions and juridical institutions of world scope which can apply sound moral principles to these facts and compel action by the proper sanctions. The work of the Dumbarton Oaks Conference was an attempt to do this, as was that of the San Francisco Conference.

In the forthcoming international order, the juridical forms will succeed only if the external tranquillity, which they aim to produce, is accompanied by an internal order of justice and charity. As Grotius has written:<sup>18</sup> "Fidelity in fulfilling what has been promised is the foundation not only of each particular state, but also of this great society which includes all nations." If hate, distrust and irresponsibility are allowed to thrive within the internal order, juridical forms and mechanism will ultimately break under the strain. To use the words of Gonella,<sup>19</sup> a celebrated legal philosopher of Vatican City: "Anyone who is interested in practicing a vigorous and militant Christianity, in the sphere of relations between peoples, must undertake to make clear not only the truth and beauty of charity as an ideal, but also the *possibility* of realizing that ideal."

---

<sup>18</sup> Grotius, *De Jure Belli ac Pacis*, 3, 25, 1.

<sup>19</sup> Gonella, *A World to Reconstruct* transl. by Bouscaren, at page 15, (1944).



The great moral axioms which embody the spirit of Christianity in relation to the individual may be extended by analogy to races and nations. Thus, it behooves each nation to do unto every other nation what it would like that other nation to do unto it. No nation may use another nation as a means toward an unjust end. No nation may place barriers in the way of any other nation so as to frustrate its reasonable and legitimate aspirations for growth. All political, juridical institutions including those of the State and international law exist in last analysis to protect the rights of individuals.<sup>20</sup>

The successful operation of the machinery of peace among the nations, begun at the San Francisco Conference, will not be possible unless race and nation are viewed in a perspective of history and philosophy, so that their rights and their duties may be clearly understood and translated into action. In this process, it will be necessary to eliminate the concept of the absolute value of race and nation, and to solve the problems of race through reason, which dictates justice, and through religion, which counsels charity. The nations of to-morrow, in the aftermath of global war, must act upon the faith that while there exists great diversity among national groupings of men, and in their racial components, in the matters of size, wealth, characteristics, and past and present contributions to the world's civilization, yet they are essentially the same in their nature, and therefore, are entitled to an equality of moral right. Evidently there will be honest disagreement as to the precise means by which this right should be translated into action at different times and in different places. But the formulation of the principle is important because it clearly separates two vastly differing fields of conduct.

*Brendan F. Brown.*

Washington, D. C.

---

<sup>20</sup> See: Aquinas, *Summa Theologica*, I. q. 29, a. 3, where he writes that person signifies that which is most perfect in all nature.